

9/14/09

78

Christine Joyce

From: Michael Klinger [mklinger@anzuglobal.com]
Sent: Tuesday, September 08, 2009 7:56 AM
To: Bruce Stamski; Manager Department; Steve Ledoux; Municipal Properties Department
Cc: trdoolit@mac.com
Subject: RE: Spruce Street Sidewalk options

Steve and the Town,

For the Town Meeting on 9/14, would like to propose a fourth option regarding the Tulip Tree in West Acton. Would appreciate five minutes of your time to present this at the meeting at 8:15PM.

Option 4- rebuild 80' of sidewalk to gradually raise and lower the sidewalk to accommodate the current bump. Put in a speed bump near the tree, reroute bus traffic to the service road and use a geotextile porous fabric for the area around the roots to allow for gradual expansion from any root growth.

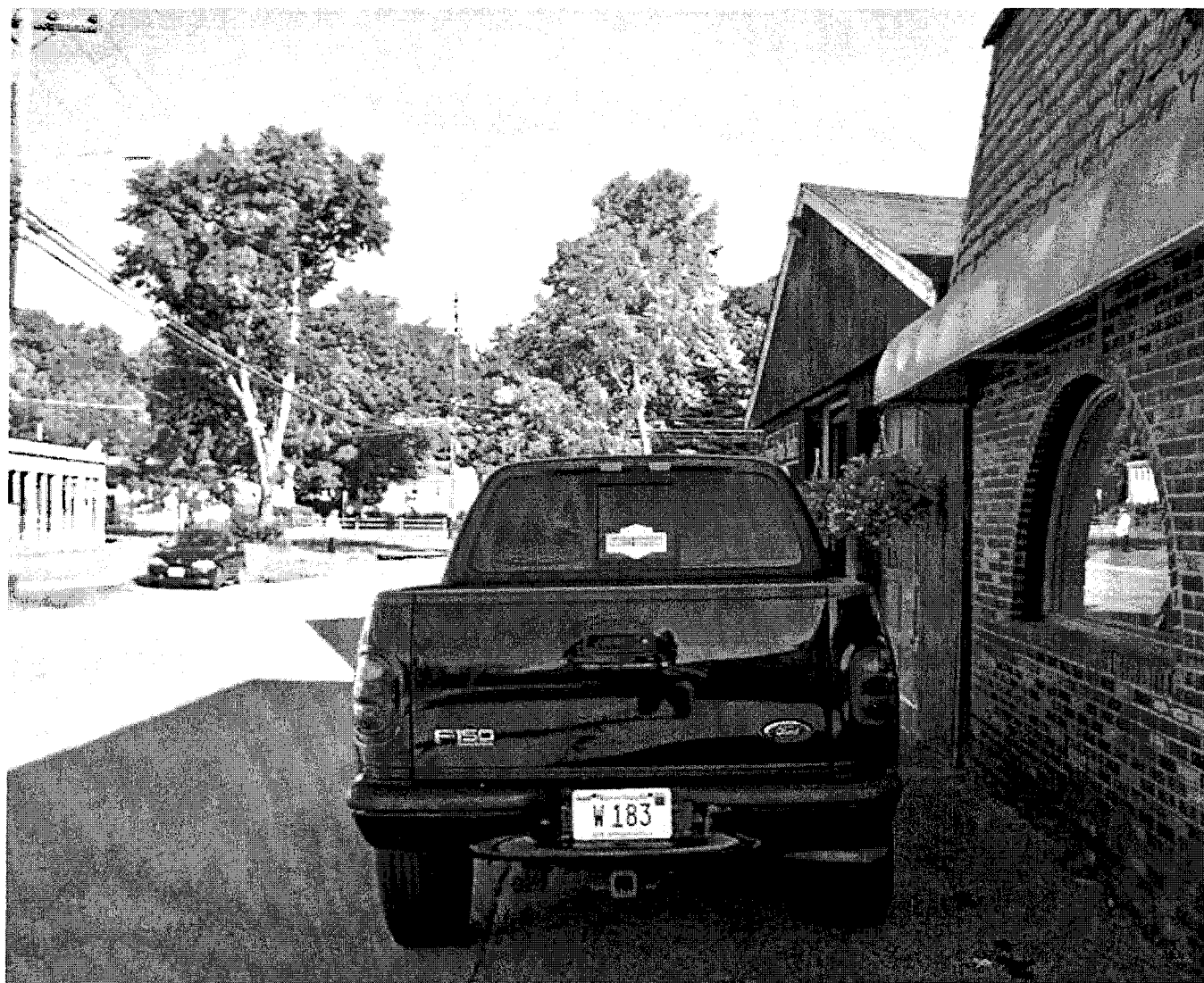
- 1) The **COST** to regrade the sidewalk is approximately \$2500(see attached quote from Nashoba paving)
- 2) The **SAFETY** concern expressed by multiple parents in the neighborhood relates to buses using Spruce street, as opposed to the Service road and cars using the road as a pass through(see speed bump). If the two feet of sidewalk is improved, that is an added plus.
- 3) **LONGEVITY** of a repair needs to be determined by pulling up the sidewalk and looking at the roots. Mr. Tom Doolittle has offered to work with the Town Engineer to schedule a time to do this. Have spoken to two tree stewards at Copp Tree Company and McFerridge Tree Service who both stated that tree roots grow slowly and it is not likely that further sidewalk damage would occur in 7-10 years, if at all. Final determination would come from reviewing the roots.
- 4) **Wheel Chair Accessibility** would be accomplished through redoing the sidewalk. Met with the person who evaluates whether a repair is wheelchair accessible. She said this solution would be acceptable. She also indicated that in walking with a cane the half-mile to our house, she encountered at least five areas of sidewalk that were not accessible to wheelchairs. On the same street that children walk to school in the mornings, one owner has repaved the sidewalk and parked multiple cars so the sidewalk cannot be used(picture below w tulip tree in bckgrnd) and further up, at Sweet Bites Café, with extensive daily foot traffic the sidewalk is barely 24" wide for over 20'. It is not clear why a two foot bump will cause the town to consider cutting down a 60' tree, while 20' of extremely narrow, difficult to pass, heavily trafficked sidewalk will get overlooked for fifteen years. (see pictures attached).
- 5) The Town Engineer had suggested Option 2 an '**Easement**' onto the Klinger property to redirect the sidewalk. Have requested that Mr. Stamski walk us through exactly what this would entail. He has not responded. Based on the drawings, however, it looks as if the sidewalk would cut into at least 30' of our property to redirect the sidewalk. This is the area where there is a 60' garden. So it would cut the garden in half. Our living room is also about 8' from our garden. So the 'easement' would cut through half our garden and bring strudents within five feet of our living room on a daily basis. For this 'Easement' will the town pay for this access? What if we want to sell our property, will the Town let us revoke the 'easement'?

This Tulip Tree was planted by the Nylander's in the early 1960's. It is over fifty years old, sixty feet tall and is one of the few Tulip Trees in all of Acton. To cut this tree down would have both a negative aesthetic and environmental impact on the neighborhood. The towns of Boston, Cambridge and Concord, for example, routinely come up with strategies to save and maintain historic trees in their neighborhoods. Am confident that the Town of Acton will be able to do the same.

Over 40 concerned citizens in the neighborhood have expressed concern over the response from the Town. Journalist from the Beacon have also interviewed the owners regarding the Tulip Tree. So it is likely with more exposure there will be even more concern about alternatives to removing the tree.

9/9/2009

Thank you for your time. (routinely blocked sidewalk picture below, Tulip tree in background)



MICHAEL KLINGER
239 ARLINGTON STREET, ACTON, MA 01720
MKLINGER@ANZUGLOBAL.COM
<http://www.anzuglobal.com/>
PHONE: 978-263-7925
FAX: 978-429-0671

From: Bruce Stamski [<mailto:bstamski@acton-ma.gov>]
Sent: Wednesday, July 22, 2009 12:00 PM
To: Manager Department; Steve Ledoux; Municipal Properties Department
Cc: 'trdoolit@mac.com'; 'mklinger@anzuglobal.com'
Subject: FW: Spruce Street Sidewalk options

Steve,
Per Selectwoman's Friedrich's request I am providing this update on the tulip tree.
The Engineering Department has identified 3 options.
Option 1- Remove the tree and plant another tree in a suitable location. \$2000
Option 2. Obtain an easement from the abutter (the Klingers) and relocate the sidewalk behind the tree. \$3500

9/9/2009

Option 3. Rebuild 133 feet of Spruce Street and sidewalk \$17,000.

Options 2 and 3 are shown on the attached Plan.

Mr. Doolittle has not responded to the communication below. I do not know if he has obtained the interpretation of the regulations needed or if he still wants to pursue his ideas with the Board. We will be available to dig around the tree anytime. I have copied him on this email

I have also copied the Klingers to see if they are interested in giving the Town the easement.

From: Bruce Stamski

Sent: Thursday, May 28, 2009 10:39 AM

To: 'trdoolit@mac.com'

Cc: Manager Department; Engineering Department; Municipal Properties Department

Subject: Spruce Street Sidewalk

Tom,

As you are aware we requested the Selectmen to postpone the Spruce Street until this summer so that you can obtain the additional information you requested.

We will be available to dig around the roots of the tulip tree after schools are closed for the summer. We can obtain the location and elevations of the trees root system.

In your report you said that for your proposal to be acceptable "an interpretation of the regulations should be sought to confirm this interpretation". Have you obtained this interpretation? If you have not please let us know when you do so we can reschedule the hearing.

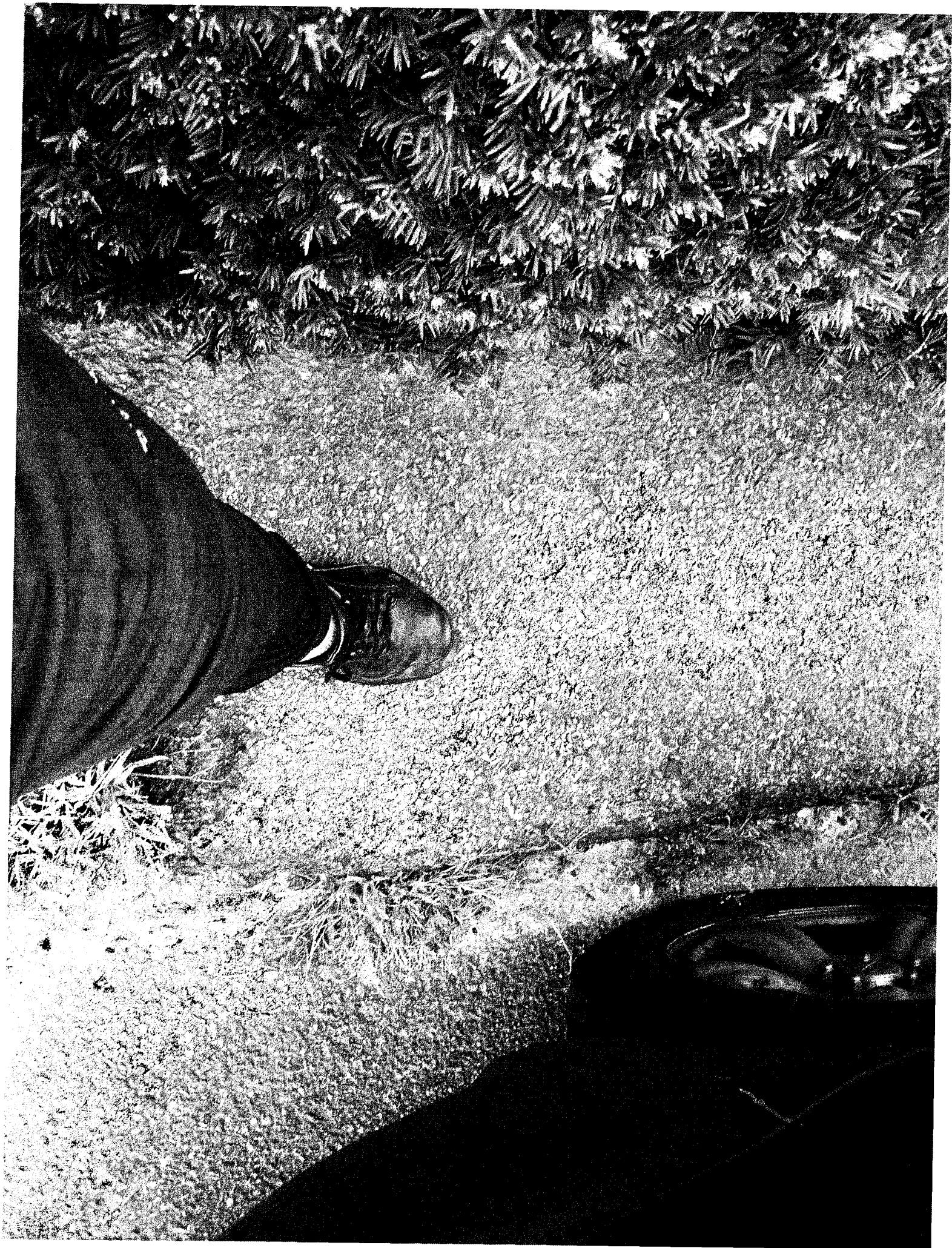
Having said the above, please be advised I will not recommend the to Selectmen that a very high curb coupled with a narrow sidewalk be constructed regardless if it meets the regulations or not. The combination creates a hazard to pedestrians. In addition we have to assume the tree will keep growing and that in a year or two we will have additional root damage to contend with. I would be hard pressed to recommend spending approximately 5K to build a substandard sidewalk which may have to be redone in a couple of years.

Sincerely,

Bruce M. Stamski

Town Engineer/Director of Public Works

9/9/2009





29 Quarry Road
 Acton, MA 01720-5809
 (978) 264-0044
 Fax: (978) 266-1335
 E-mail: nashobapaving@verizon.net

No. 825094J

| | | |
|---|-------------------------------|---------------------------------|
| Proposal Submitted To: Mike Klinger | Phone: 978-263-7925 | Date: August 25, 2009 |
| Street: 239 Arlington Street | Job Name: | |
| City, State and Zip Code: Acton, MA 01720 | Job Location: | |

We hereby submit specifications and estimates for:

Sidewalk

Cut out walkway removing asphalt. Re-grade adding compactable gravel as needed. Compact gravel. Apply 3" of asphalt.

Price (40' by 5').....\$ 1,500.00
 Price (100'by 5').....\$ 2,500.00

We Propose – hereby to furnish material and labor complete in accordance with above specifications for the sum of:

See above

dollars (\$ See above)

Payment to be made as follows: Payment due in full upon completion of work.

Interest will be charged at 1 ½% per month on outstanding balance.

All material is guaranteed to be as specified. All work will be completed in a professional manner according to standard practice. All agreements contingent upon strikes, accidents or delays beyond out control. Nashoba Paving Co., Inc. to carry all applicable insurance. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate.

Authorized Signature:

Jack Martinson

NOTE: This proposal may be withdrawn by us if not accepted in 10 days.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment to be made as outlined above.

Signature: _____

Date of Acceptance:

Signature: _____

3/23/09 (6)

Christine Joyce

From: Dean Charter
Sent: Monday, March 16, 2009 3:26 PM
To: Manager Department
Subject: FW: re. Tulip Tree-hearing 3/23

FYI

Mr.. Klinger told me that his had not gotten through to you

Dean

From: Michael Klinger [mailto:mklinger@anzuglobal.com]
Sent: Monday, March 16, 2009 3:16 PM
To: Dean Charter; Bruce Stamski; 'manager@acton-ma.gov.'
Subject: re. Tulip Tree-hearing 3/23

To the Acton Town Team,

Thank you for your help in assembling this packet to go to the Board of Selectmen for a hearing on the status of the Tulip Tree on Spruce street in West Acton.

The Tulip tree sits in our yard, is very healthy, about 60' tall and is full of yellow-orange blooms in season. It is quite striking. There are probably not five Tulip trees in Acton of this size and robustness. Dean Charter would be able to provide a more definitive assessment there.

We would strongly suggest preserving the tree. We have made several suggestions to improve the sidewalk:

- gradually slope the sidewalk from both sides so there is a gradual incline as opposed to a steep one
- use rubber sidewalk in the bumpy area(see attachment on 'rubber sidewalks')
- build a ramp over the bump in the sidewalk
- build out the sidewalk one foot farther into the street

To address the traffic concern on Spruce street, we suggest putting in speed bumps, post a lowered speed limit sign and keep the buses on the alternate road which they are supposed to use.

Many of our neighbors have expressed concern and dismay over the thought of chopping down this unique tree specimen. Some have written to the Town to express their concern. The towns population, in a recent polling, has expressed a desire for more trees and parks. Yet, in the past year, over 50 trees have been chopped down in our neighborhood, some in public areas and none have been replaced. We would strongly urge the Town to be creative with the sidewalk to preserve the old tree and charm it provides.

Tx,

-Mike

MICHAEL KLINGER
ANZU GLOBAL LLC
239 ARLINGTON STREET, ACTON, MA 01720
MKLINGER@ANZUGLOBAL.COM

3/17/2009

Tree roots normally extend a great distance laterally – twice the width of the **tree** canopy

– but they are relatively shallow. About 90 percent of a **tree's roots** are within the top 30 inches of the soil. Given the pattern of **tree** growth, the best **solution** to the **tree-sidewalk**

conflict is to enlarge the area in which the **tree** can grow.

Haddonfield permits homeowners to narrow **sidewalk** sections to allow the **tree** greater area for growth. Sidewalks can be reduced to as little as three feet wide at the narrowest point of the “cut out,” to allow the **tree** as much as 18 inches of space between the trunk and the **sidewalk**. Infilling squared cut out areas with brick allows the homeowner to remove the bricks as the **tree** grows, thereby reducing the need for premature **sidewalk** repairs and replacements.

Alternatively, homeowners can “arc” the entire **sidewalk** in the area next to the **tree**, thereby preserving a consistent **sidewalk** width, yet allowing the **tree** room to expand.

Page 2

Trees and Sidewalks (continued)

2

Alternatively, consider installing smaller pavers with expansion joints (left photo), limiting possible future **sidewalk** repairs to a few sections rather than large areas. Expansion joints also permit future small cuts (right photo) to accommodate **tree roots**. Rather than using concrete pavers, homeowners can install removable or adjustable semi-permanent pavers such as bricks near trees. These pavers can be altered when required to compensate for **tree** root growth.

Concrete ramps can be a short-term **solution** to uneven pavement, although the **sidewalk** will eventually have to be replaced as **tree roots** continue to expand.

If replacing the **sidewalk**, homeowners should consider placing a compacted bed of coarse gravel under the poured walk. Under normal conditions, **tree roots** will not grow quickly or easily through the porous gravel, thereby significantly slowing or stopping the heaving.

Alternatively, when replacing the **sidewalk**, consider installing root barriers along the **tree-side** edge under the poured walk. The barrier will force **tree roots** to grow deeper below the **sidewalk**. Barriers can be made of plastic or geotextile fabric. They should extend one foot deep and at least 5 or 6 feet in both directions from the point on the **sidewalk** edge closest to the **tree**.

Sources:

∞ **Tree** City USA Bulletin #3, National Arbor Day Foundation.

∞ City of St. Louis Forestry Division Information Bulletin, **Sidewalk** and Sewer

Damage.

∞ Dr. Edward Gilman, "Urban Design to Accommodate Trees: **Sidewalk** Solutions,"
University of Florida Gainesville.

Christine Joyce

From: Saved by Windows Internet Explorer 7

Sent: Sunday, March 15, 2009 3:05 PM

Subject: Vancouver chooses Rubbersidewalk as green solution to city's paving challenges – Journal of Commerce

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WEEKLY POLL

FACT: A B.C. economist says the construction industry will be **hit hardest** by recession.

Do you believe that Canada's economy will improve by the end of the year?

☐ Yes

☐ No

Vote 

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September 24, 2008



RUBBERSIDEWALK INC.

A 20-foot section of rubber sidewalk is used in front of each tree, but the rest of the sidewalk is traditional concrete.

Vancouver chooses

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Rubbersidewalk as green solution to city's paving challenges

Jean Sorensen
correspondent

Vancouver's inventory of park and boulevard trees, valued at \$500 million, is challenging sidewalk construction crews to find new and better ways to pave over roots.

"Lifted (concrete) sidewalk is one of the most common tripping complaints," said David Kidd, street operations superintendent.

Seeking a green solution, the city has installed 500 square feet of rubber sidewalk on West Eighth's 2100 block, making Vancouver the second Canadian city to use rubber pavers over tree roots rather than use conventional concrete.

The pavers are made from recycled tires.

The City of Kelowna, in November 2005, became Canada's first municipality to use Rubbersidewalk Inc.'s product.

The U.S. made product, though, has been used extensively in American major cities for the past decade.

Kidd said the city decided to use the pavers around mature trees rather than risk cutting their root system, which is normally done when roots interfere with concrete sidewalk excavation.

"What we have done over the half block is put down sections of concrete and then 20 foot sections (of pavers) around the tree," he said.

Kidd said the pavers hook together with metal rods and can be incorporated into adjoining concrete sections.

Pavers can also be removed and reset again if tree roots shift the pavers or ground disturbance such as frost or an earthquake occurs.

There may also be a municipal need to gain service access.

The cost is about 20 per cent more than concrete, Kidd estimated, but added that concrete needs to be replaced about every seven years.

The company estimates the rubber paver's life at about 20 years.

"This is a pilot project for us," said Kidd, adding site monitoring will be done over the next year and if considered successful, other applications will follow.

- Inventor promotes s fix potholes
- Oilsands upgrader u
- New construction be expansion in Ontari
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- Colonial Building Res lady by the lake
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- Concrete garage sha test
- Kortright job will put the test
- CANpav software m: roads
- Self-consolidating cc acceptance

Kelowna's first application involved placing 400 square feet of rubber sidewalk in 2005. Sections were inter-spaced between concrete.

"This was an area where we had to place new sidewalk and if we had used conventional concrete, we would have had to cut a lot of the roots to excavate," said Ian Wilson, Kelowna's urban forestry supervisor.

He said the pavers can be placed above grade in cases, but can be placed with little or no excavation.

Since the original installation, the city has used them on several projects.

Kelowna has about 20,000 trees along streets and in parks (compared to Vancouver's 500,000).

They are valued at \$13 million.

"Trees are a valuable asset because they appreciate each year," he said.

Wilson said there was concern that the rubberized pavers might prove slippery for pedestrians in winter, but there have been no problems.

Also, a city mini-dozer used to clear snow from walks in winter has not damaged the pavers.

Placing the pavers was initially a bit of a learning curve, said Wilson, but he added that it's pretty straight forward.

The downside, he said, is the cost, which is about 30 per cent more than a conventional concrete sidewalk.

The units are shipped to the B.C. Interior from the U.S.

Rubbersidewalks Inc.'s Dan Joyce, a company principal and California sales representative, said recent studies have underscored the benefits of the product's use.

A Santa Monica study found tree roots grow more naturally when pavers are used.

Joyce said that placing concrete over tree roots distresses them, causing roots to compensate by webbing up to the surface to grab run-off from the sidewalk as a survival technique.

This leads to the pavement cracking or lifting.

But, since the pavers allow water to flow into the ground, there is not that problem.

"We are now developing a new product, the next

plant

ALEX'S BLOG

Reed Construction Data (Economist Alex Carrick) discusses current developments in the economic environment. It shares light-hearted reflections on life and current events.

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Updates on Canadian construction projects from Reed Construction Data's

- Gatineau's Rapibus project (*March 10, 2009*)
- Amadon Group proposes Marina project (*March 10, 2009*)
- Mady Development proposes Markham community square (*March 10, 2009*)
- Maple Reinders takes Kelowna Holiday Inn project (*March 16, 2009*)
- Developer Len Barr proposes Landing development (*March 16, 2009*)

Christine Joyce

From: Dean Charter
Sent: Friday, February 20, 2009 11:25 AM
To: Christine Joyce
Subject: FW: Emailing: spruce st 001.jpg, spruce st 002.jpg, spruce st 003.jpg, spruce st 004.jpg, spruce st 005.jpg, spruce st 006.jpg



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P O O O O BOS packet
for 3/23 tree removal hearing

-----Original Message-----

From: Russell Robinson
Sent: Wednesday, February 18, 2009 1:06 PM
To: Steve Ledoux
Cc: Bruce Stamski; Dean Charter; John Murray
Subject: Emailing: spruce st 001.jpg, spruce st 002.jpg, spruce st 003.jpg, spruce st 004.jpg, spruce st 005.jpg, spruce st 006.jpg

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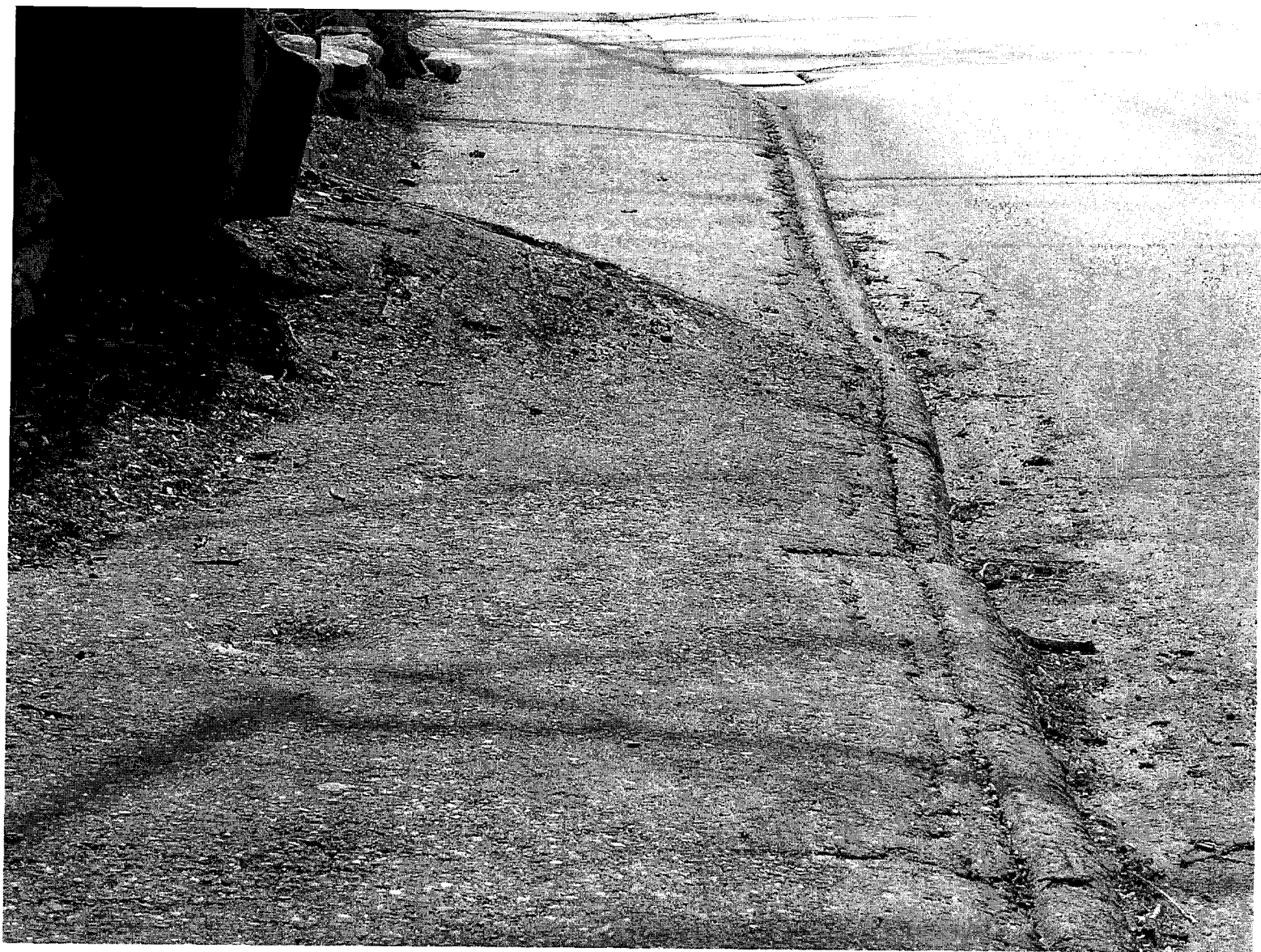
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3/23 @ 7:45

To: Board of Selectmen
From: Sidewalk Committee
Date: 11/17/2008
Subject: Tulip Tree on Spruce Street

On behalf of the Sidewalk Committee, we would like to submit our opinion on the Tulip Tree on Spruce Street. We are in agreement that this is a beautiful tree and we do sympathize with the property owner. We struggled with the idea of cutting it down. However, after weighing the pros and cons we voted to recommend that the tree should be removed if it is necessary to facilitate the repair of the sidewalk so it is usable for all citizens whether on foot or by wheelchair, in all seasons.

With Gates School being situated at one end of this road and the Douglas School beyond it across the foot bridge, Spruce Street sees significant pedestrian traffic from our most vulnerable of citizens. The bump in the sidewalk is such that it makes it difficult to traverse. Add in winter snow and ice, and it becomes dangerous and probably impossible to plow.

We would therefore recommend that, if feasible, the tulip tree be replaced with a site-appropriate tree, with consultation with the property owner.

Regards,
Kate Chung
Co-chair, Sidewalk Committee